



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
AGENDA

FOR THE REGULAR MEETING OF  
MONDAY, JANUARY 10, 2022 AT 7:00 P.M.

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. ELECTION OF OFFICERS AND ORGANIZATION
  - a. Chair
  - b. Vice Chair
  - c. Review and adoption of Planning Commission Rules of Procedure
  - d. Meeting Dates
3. APPROVAL OF AGENDA
4. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
  - a. November 8, 2020 – Regular Meeting
5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
7. NEW BUSINESS
  - a. Public Hearing – Betten Baker Auto Group – Rezoning Request for 211 N. Pleasant Ave.
  - b. Public Hearing – Trinity Cannabis – Special Land Use - 2125 Bowes Road
  - c. Prepare Planning Commission Annual Report for Council
8. STAFF REPORT
9. COMMISSIONERS REMARKS
10. ADJOURNMENT

PC Bylaws

## RULES OF PROCEDURE

### 1. AUTHORITY

These rules of procedures are adopted by the Planning Commission of the City of Lowell, Michigan (hereinafter referred to as the Commission) pursuant to Public Act 33 of Michigan Public Acts of 2008, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

### 2. OFFICERS

- 2.1 **Selection.** At the January meeting, the Commission shall select from its membership a Chairperson and Vice-Chairperson who shall serve for a twelve month period and who shall be eligible for re-election. The City Clerk, or his/her designee, shall be appointed as the Commission's recording secretary.
- 2.2 **Duties.** The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of Vice-Chairperson at the earliest practicable time. The recording secretary shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearing, and performing related administrative duties to assure efficient and informed Commission operations. In the event the recording secretary is absent, the Chairperson or acting chairpersons shall appoint a temporary recording secretary for such meeting.
- 2.3 **Tenure.** The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

### 3. MEETINGS

- 3.1 **Meeting Notices.** All meetings shall be posted at the Lowell City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.
- 3.2 **Regular Meeting.** Regular meetings of the Commission shall be held in the Lowell City Hall or other designated facility on the second Monday of each month. All meetings, unless otherwise specified, shall convene at 7:00 p.m. The dates and times shall be posted at the Lowell City Hall and a notice should be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.
- 3.3 **Special Meetings.** A special meeting may be called by two members of the Planning Commission upon written request to the recording secretary or by the

Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the recording secretary shall deliver written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

- 3.4 **Quorum.** In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be rescheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

- 3.5 **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinances cited in Section 1.

Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. Anyone wishing to address the Commission shall use a microphone connected to the recording system. The following procedure shall be used for all public hearings:

- (1) Explanation of request as received by community.
- (2) Review and recommendation by planner/professionals.
- (3) Comments and explanations by applicant.
- (4) Questions by Commission.
- (5) Responses by professionals and/or applicant.
- (6) Opening of hearing for public comments.
- (7) Close hearing to public comments.
- (8) Consideration of action by Commission.

All comments shall be addressed to the Chairperson. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had the chance to speak for the first time. In the interest of fairness to the public, statements shall be made as concise as possible. The Chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. For large hearings, a time limit may be established.

- 3.6 **Motions.** Motions shall be stated by the Chairperson before a vote is taken. The name of the maker and seconders of the motions shall be recorded.
- 3.7 **Voting.** An affirmative vote of the majority of the Commission present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last in a roll call vote. Any member

may abstain from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission. Any members abstaining from a vote shall not participate in the discussion of that item.

- 3.8 ***Order of Business.*** A Written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

1. Call to Order; Pledge of Allegiance; Roll call of Commissioners
2. Approval of Agenda
3. Approval of Minutes
4. Public Comment and Communications Concerning Items Not on the Agenda
5. Old Business
6. New Business
7. Staff Reports
8. Commissioners Remarks
9. Adjournment

A written agenda for special meetings shall be prepared and followed, however the form above shall not be necessary.

- 3.9 ***Rules of Order.*** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by the current edition of Robert's Rules of Order.

- 3.10 ***Notice of Decision.*** A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request.

#### 4. MINUTES

- 4.1 Commission minutes shall be prepared by the recording secretary. The minutes shall contain a brief synopsis of the meeting including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action and recording of attendance. All communications, actions and resolutions shall be attached to the minutes. The official records shall be annually deposited with the City Clerk.

#### 5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.
- 5.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public except those permitted to be conducted in closed session by the Open Meetings Act.
- 5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace committed at the meeting.
- 5.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

## 6. **AMENDMENTS**

These Rules of Procedure may be amended by the Commission by a concurring vote pursuant to subsection 3.7, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least seven (7) days prior to the meeting at which such amendments are to be considered.

Updated and Adopted: January 11, 2016  
Adopted: May 13, 1996



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**2022 PLANNING-CITIZEN ADVISORY COMMISSION MEETING DATES**  
**7:00 P.M.**  
**CITY COUNCIL CHAMBERS – SECOND FLOOR**

January	10	July	11
February	14	August	8
March	14	September	12
April	11	October	10
May	9	November	14
June	13	December	12 (Work Session)

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, NOVEMBER 08, 2021 AT 7:00 P.M.**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL.**

The Meeting was called to order at 7:00 p.m. by Chair Bruce Barker.

Present: Commissioners Tony Ellis, Amanda Schrauben, Dave Cadwallader, Collin Plank, Marty Chambers and Chair Bruce Barker.

Absent: Commissioner Micheal Gadula.

Also Present: City Mayor Mike DeVore, Andy Moore with William & Works, Lowell City Clerk Sue Ullery, and City Attorney Tom Forshee.

**2. EXCUSE OF ABSENCES.**

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to excuse the absence of Commissioner Michael Gadula.

YES: 6. NO: None. ABSENT: Commissioner Gadula. MOTION CARRIED.

**3. APPROVAL OF AGENDA.**

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to approve the agenda as written.

YES: 6. NO: None. ABSENT: Commissioner Gadula. MOTION CARRIED.

**4. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS.**

IT WAS MOVED BY CADWALLADER and seconded by ELLIS to approve minutes of the October 11, 2021 Regular Meeting as written.

YES: 6. NO: None. ABSENT: Commissioner Gadula. MOTION CARRIED.

**5. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.**

There were no comments.

**6. OLD BUSINESS.**

a.) Pubic Hearing -2335 W Main Street – Special Land Use- Re- Application.

Chair Barker reopened the Public Hearing.

Andy Moore with Williams & Works spoke and gave the background explaining the application had expired and everything was basically the same except they no longer desire to hook up to the public sewer system.

Chair Barker then stated that the Commissioners had previously accepted the Site Plan Review Standards A-F as well as the Special Land Use Standards A-F.

Andrea Hendrick, representing FSM Property Ventures LLC, spoke and explained their intent and asked they get approval pending whatever hookup is allowed. Also stated, there will be two phases to complete the work

of the building.

Moore stated he was fine with either option and Barker suggested to include hookup as a condition.

Commissioners reviewed the Adult Use Marihuana Establishment Special Land Use Standards B-M.

IT WAS MOVED BY BARKER and seconded by CADWALLADER to find that all the Adult Use Marihuana Establishment Standard B-M have been met.

YES: Commissioners Barker, Cadwallader, Ellis, Chambers Schrauben, and Plank.

NO: None.

ABSENT: Commissioner Gadula.

MOTION CARRIED.

Based on the foregoing review and finding of facts, the proposed special land use and site plan is subject to the following conditions.

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, City Fire Department, City Police Department, or other City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City, including approval from MDOT and Lowell Light and Power.
4. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall submit a copy of a provisional license issued by the City of Lowell pursuant to Chapter 28 of the city of Lowell code of ordinances. The facility shall not open until appropriate operating licenses have been obtained from the City of Lowell and the State of Michigan.
6. The applicant shall submit a copy of the state license to operate the marihuana facility to the City.
7. The applicant shall continually comply with all site development requirements in Section 13.04 A-E of the Zoning Ordinance.
8. The applicant shall comply with all landscape and screening requirements of Section 4.26, unless specifically waived by the Planning Commission.
9. Plant materials and lawn areas shall be maintained in a healthy condition and be neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced.
10. The applicant shall provide two ADA barrier free parking spaces, one of which is van accessible, on the site.
11. Signage shall comply with Chapter 20 of the Zoning Ordinance and a sign permit shall be obtained prior to the erection of any signage on the site.
12. The security plan shall address the items outlined in our confidential memo dated June 24, 2020.
13. The applicant shall submit a signed and notarized copy of the statement of consent to the City.
14. The applicant shall receive approval from and comply with any requirements of MDOT and Lowell Light and Power.
15. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
16. An MDOT driveway permit shall be obtained prior to occupancy.
17. A trash enclosure, if provided, shall be secure and locked at all times.
18. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area and be in compliance with State pesticide laws and regulations and be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.

19. The marihuana establishment shall not also sell alcoholic beverages or tobacco products.
20. The marihuana establishment shall comply at all times and in all circumstances with the MRTMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
21. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.
22. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation growing or harvesting of marihuana.
23. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
24. The operation shall connect to public sanitary sewer services. If a septic system is desired, then the applicant shall return to the PC for a site plan and SLU amendment.
25. The applicant shall utilize the strongest possible odor control measures and shall submit information to the City for review and evaluation for their effectiveness. The applicant shall maintain the odor control system in compliance with the manufacturers recommendations. There shall be no odor from the establishment detectable at the property lines.

IT WAS MOVED BY BARKER and seconded by PLANK to approve FSM Property Ventures LLC Special Land Use at 2335 West Main with the above 25 conditions met as listed.

YES: Commissioner Schrauben, Commissioner Chambers, Commissioner Ellis, Commissioner Cadwallader, Commissioner Plank and Chair Barker.

NO: None.

ABSENT: Commissioner Gadula.

MOTION CARRIED.

7. **NEW BUSINESS**

There was none.

8. **STAFF REPORT.**

City Manager Michael Burns spoke regarding Short Term Rental Ordinance.

9. **COMMISSIONERS REMARKS.**

Commissioner Chambers thanked all the voters who came out to vote.

Chair Barker mentioned 2022 dates for Planning Commission and to include the joint meeting.

10. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by PLANK to adjourn at 7:50 p.m.

DATE:

APPROVED:

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Bruce Barker, Chair

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Susan Ullery, Lowell City Clerk

## SECTION I. Zoning Map Amendment

1. Street Address and/or Location of Request: 211 N Pleasant Ave, Lowell, MI 49331
2. Parcel Identification Number (Tax I.D. No.): # 41-20-02-305-016
3. Applicant's Name 749 W Main Street LLC (Bryan Betten) Phone Number (231) 755-3711
- Address 749 W Main Street Lowell MI 49331
- Street City State Zip
- Fax Number \_\_\_\_\_ Email Address bbetten@bettengm.com

4. Are You: ☐ Property Owner ☒ Owner's Agent ☐ Contract Purchaser ☐ Option Holder

5. Applicant is being represented by: LRE - Kyle Visker Phone Number (616) 301-7888
- Address 2121 3 Mile Road NW, Walker, MI, 49544

6. Present Zoning of Parcel R3 Present Use of Parcel Storage building

7. Master Plan Future Land Use Classification Multiple Family Residential

8. Please use the lines below to state the request and the reason(s) for the request:  
(attach additional pages as necessary)

The property is zoned R3 (Multiple Family Residential). Adjacent parcels are zoned R3 to the west, MHP (Manufactured Home Park) and C3 (General Business) to the south, and is bordered by the railroad to the north and east. Betten Baker owns the parcel zoned C3 to the southeast as well. As part of their project at 746 W Main Street the bank is requiring that this property (211 N Pleasant Ave.) be rezoned to C3 General Commercial.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. For this application to be complete, the following information must be included:

- ☒ A map clearly illustrating the property to be considered for a zoning change, and the current zoning of all properties within ¼ mile, if applicable
- ☒ A legal description of the property to be considered for a rezoning, if applicable

The facts presented above are true and correct to the best of my knowledge.

Signature:  Date: 12-10-2021

Type or Print Your Name Here: CHARLIE JEFFREY DIRECTOR OF OPERATIONS

**PROPERTY DESCRIPTION**

Land situated in the City of Lowell, Kent County, Michigan:

PARCEL 2 (PPN: 41-20-02-305-016):

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 2, Town 6 North, Range 9 West, City of Lowell, Kent County, Michigan, described as: Commencing on the intersection of South line of the Chesapeake and Ohio (formerly Pere Marquette) Railway right of way and the extended West line of Lot 1, Sweet and Smith's Addition to the Village (now City) of Lowell, Kent County, Michigan, as recorded in Liber 7 of Plats, Page 13; thence Southwesterly parallel with the North line of Main Street 68.33 feet; thence Southeasterly parallel with said extended line of Lot 1, 25 feet; thence Southwesterly parallel with Main Street to a line being 545 feet West of the East line of said Northwest 1/4 of the Southwest 1/4; thence North parallel with the East line of the Northwest 1/4 of the Southwest 1/4 to the intersection of said railway right of way line; thence Southeasterly along said right of way line to the place of beginning.

Contains: 1.15 Acres

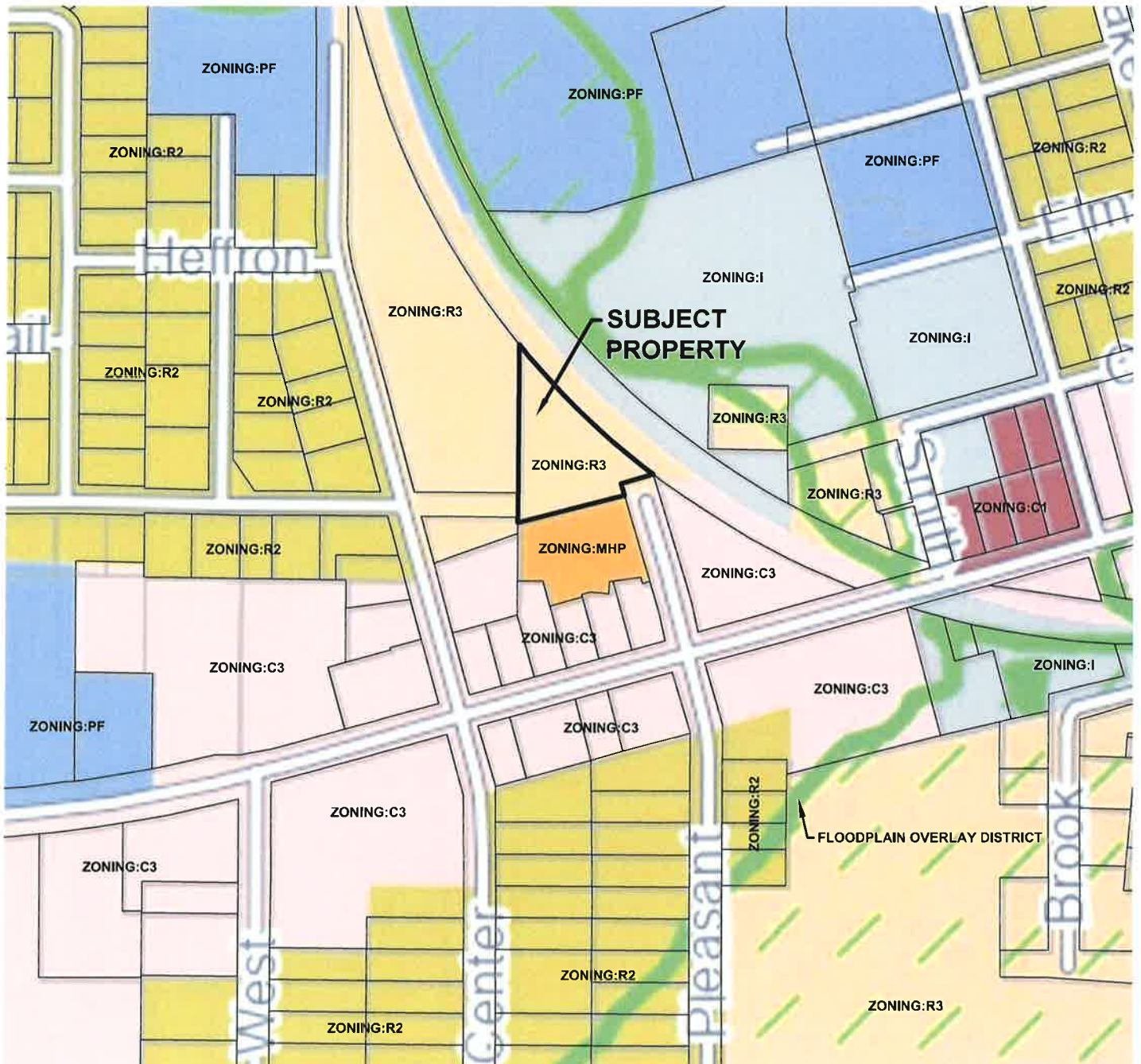
**PROPERTY DESCRIPTION**



2121 3 Mile Rd. NW  
Walker, MI 49544  
Ph: 616-301-7888  
www.LREMI.com

DATE: 12/6/2021  
PROJECT: 21-145

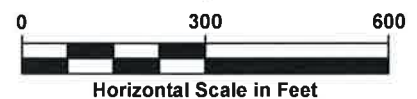
**EXHIBIT A**



## ZONING MAP



2121 3 Mile Rd. NW  
Walker, MI 49544  
Ph: 616-301-7888  
www.LREMI.com



DATE: 12/6/2021  
PROJECT: 21-145

**EXHIBIT A**

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** January 6, 2022  
**From:** Andy Moore, AICP  
Tanya DeOliveira, AICP  
**RE:** **Betten Baker Auto Group – Rezoning Request for 211 N Pleasant Avenue**

Mr. Kyle Visker from LRE, on behalf of Betten-Baker Auto Group, has applied to rezone property located at 211 N Pleasant Avenue from R3 Multiple Family Residential to C3 General Commercial. The purpose of this memorandum is to review the request pursuant to Section 22.05 of the City's Zoning Ordinance.



**Background.** The subject property has an area of approximately 1.15 acres and is located at 211 N. Pleasant Avenue at the end of a cul-de-sac. The applicant is seeking to rezone the property from the R3 Multiple Family Residential district to the C3 General Commercial district. The applicant (Betten Baker) owns the property directly to the southeast (749 W Main) and across the street at 746/728 West Main. The applicant previously applied for a rezoning, site plan review, and special land use approval to redevelop and expand the car dealership properties located at 746 and 728 W. Main Street.

The applicant states that, as a part of that project, the bank is requiring the parcel at 211 N Pleasant Avenue to be rezoned due to nonconforming issues at 211 Pleasant. Presumably, the applicant is also seeking to redevelop 749 W Main and utilize 211 Pleasant for related purposes, though this has not been confirmed.

The subject property is bounded on the west and south by properties zoned R3. To the east and north are the railroad tracks, adjacent to Lowell Light & Power's site at 625 Chatham.

## REZONING REVIEW

In making a decision on a zoning amendment, the Planning Commission and City Council must consider the standards of 22.05 A(6). The standards are found below followed by our remarks on each:

- A. If the proposed zoning amendment is consistent with the goals, policies, and future land use map of the city's master plan; or, if conditions have changed significantly since the master plan was adopted, if the zoning amendment is consistent with recent development trends in the area;

**Remarks:** The City's Master Plan was adopted in 2007 and has been regularly reviewed by the Planning Commission. The plan outlines a vision for the development of the City. The parcel is currently zoned Multiple Family Residential, and the Master Plan indicates that the property is within the Multiple Family Residential future land use category.

The parcels immediately to the south and southeast are identified as Highway Business on the future land use map, which corresponds with the C3 zoning district. The Master Plan states that uses in the Highway Business land use category are intended to be automobile-oriented and correspond with land uses permitted in the C3 General Business zoning district.

The parcel is also next to but not within the West Main Street Commercial Corridor, defined as the area between the City boundary to the west and the railroad tracks to the east. The corridor is designated as an area for suburban strip development with ample parking between buildings and the road. The proposed rezoning to the C3 General Business for the subject parcel could support the business uses along this corridor in coordination with the existing development pattern. However, it must be recognized that this parcel is planned for multiple-family residential uses.

The Master Plan is a guide for the future development of the community, and it must be viewed as a document that provides some degree of flexibility. When it comes to rezoning requests, when properties abut two different future land use categories, either one may be appropriate. Therefore, the proposed rezoning could be considered to align with the City's Master Plan after consideration of all other appropriate factors. Whether this rezoning is consistent with the Master Plan should be thoroughly discussed by the Planning Commission.

- B. If the zoning amendment is compatible with existing or future land uses in the vicinity; and

**Remarks:** Existing land uses in the vicinity are a mixture of industrial, commercial, and residential. Directly adjacent to the property's southern border is a small (15-unit) manufactured housing community that derives access from two small drives located on the west side of Pleasant. To the east of the property are Center Court

Apartments, which are located in five separate buildings on the east side of Center Street. There is also an unused right of way (Sibley Street) that dead-ends at the property's western border, just north of the manufactured home park. It is difficult to determine if the proposed rezoning to C-3 is consistent with the existing and future uses in the area. Properties that would be most impacted by the C3 rezoning are both planned and used for high-density residential uses, and the subject property is also planned for high-density residential uses. Except for the southeast corner of the property, the subject property is not otherwise contiguous to other commercial uses. Some passive commercial uses may be compatible with the surrounding R3 properties, while other more intense commercial uses may be incompatible.

However, the unusual parcel geometry, location (between multi-family residential and railroad tracks), and minimal frontage on a public street likely make this an undesirable option for residential development. The rezoning request could be considered compatible with the adjacent land uses, however, the decision does not come without impact to the community. The Planning Commission may decide to request more information from the applicant on the planned use for the rezoned property to help inform this decision. Public input could also be helpful in this regard.

- C. If the site is capable of accommodating all uses allowed by the zoning change, considering existing or planned public infrastructure, including streets, sanitary sewers, storm water, water, sidewalks, and street lighting.

**Remarks:** The site is likely capable of accommodating most uses allowed in the C3 district, but some of those uses will have more obvious land use impacts than others. Because there are existing residential developments to the west and south, the Planning Commission should carefully consider the impacts that all uses permitted in the C3 district might have on adjacent residential parcels. The established land use pattern is largely auto-oriented commercial along the West Main Street corridor, utilities and infrastructure are present to accommodate general commercial uses. The zoning change could continue to support the existing commercial development pattern to the south of the subject property.

**Recommendation.** At the January 10 public hearing, the Planning Commission should carefully listen to the comments from the applicant and the public. If the Planning Commission finds, after careful consideration of the above factors, that the rezoning is consistent with the Master Plan, consistent with adjacent and future uses, and if the site is capable of accommodating all uses allowed by the zoning change, then it may recommend approval of the rezoning to the City Council.

As always, feel free to contact us if there are any questions.

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



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## APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 9 ▪ ~~15~~ copies of the site plan must be submitted to the City Manager's office no later than four weeks the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 2125 Bowes Road SE, Lowell, MI 49331
2. Parcel Identification Number (Tax I.D. No.): #41-20- 03-385-008
3. Applicant's Name: Trinity Holdings Michigan, LLC Phone Number 810-422-4494  
Address: 7295 Cascade Rd. SE Grand Rapids MI 49546  
Street City State Zip  
Fax Number \_\_\_\_\_ Email Address broccrider@floweringforchange.com
4. Are You: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: Roosien & Assoc Phone Number 616-361-7220  
Address: 5055 Plainfield Ave NE, Suite A, Grand Rapids, MI 49525
6. Present Zoning of Parcel I, General Industrial Present Use of Parcel Previously was Hooper Printing
7. Description of proposed development (attach additional materials if needed):  
Convert existing building into a marijuana growing facility and construct a green house and  
associated storm water facilities in the rear

The facts presented above are true and correct to the best of my knowledge.

Signature: [Signature] Date: 11-16-2021

Type or Print Your Name Here: Broc Crider

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.

Owner

Date

The following 16 points make up the **CHECKLIST** of required information needed on the drawing for final plan approval (unless specifically waived by the Planning Commission). Please go over this **CHECKLIST** with the City Manager and Zoning Administrator before presenting to the Planning Commission.

1. Date, north arrow and scale (not more than 1" = 100', supplementary site plans at a 1" = 50' or larger scale are encouraged)	INITIAL X
2. A city locational sketch	X
3. Legal description and City address of the subject property	X
4. The size in acres or square feet of the subject property	X
5. All lot and/or property lines with dimensions, including building setback lines	X
6. The location of all existing structures within one hundred (100) feet of the subject property's boundary	X
7. The location and dimensions of all existing and proposed structures on the subject property	X
8. The location and dimensions of all existing and proposed:	
▪ Drives	X
▪ curb openings (NOTE: all new openings onto M-21 (Main Street) must receive State Transportation Department approval)	X
▪ sidewalks	X
▪ exterior lighting	X
▪ curbing	X
▪ parking areas (include and delineate the total number of parking spaces showing dimensions of a typical space)	X
▪ unloading areas	X
▪ recreation areas	X
▪ common use areas	X
▪ areas to be conveyed for public use and purpose	X
9. The location, pavement width and right-of-way width of abutting roads, alleys or easements	X
10. The existing zoning of all properties abutting the subject project	X
11. The location of all existing and proposed:	
▪ landscaping and vegetation	X
▪ location, height and type of existing and proposed fences and walls	X
12. Proposed cost estimates of all site improvements	
13. Size and location of existing and proposed hydrants and utilities including proposed connections to public sewer or water supply systems	X
14. The location and size of septic and drain fields	X
15. Contour intervals shown at five (5) foot intervals	X
16. <b>FOR RESIDENTIAL DEVELOPMENT</b> , the following information is required (affixed to the drawing):	
▪ Net developable area, in acres or in square feet, defined as all areas that could be developed subtracted by lands used or dedicated for existing easements and rights of way	N/A
▪ the number of dwelling units proposed (by type), including typical floor plans for each type of dwelling	
▪ the number and location of efficiency and one or more bedroom units	
▪ typical elevation views of the front, side and rear of each type of building	
▪ Dwelling unit density of the site (total number of dwellings / net developable area)	

Section 17.03 of the City of Lowell Zoning Ordinance specifies that to approve a special land use, the Planning Commission must find that the request meets the following standards. Please describe how the proposed project would meet each standard.

A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

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Existing building will continue to be used and area is industrial in nature which is harmonious with the growing and processing of marijuana.

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2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;

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All existing facilities and services are adequate to service the proposed use. No improvements or expansions to existing facilities or services will be required.

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3. Not create excessive additional requirements at public cost for public facilities and services; and

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All existing facilities and services are adequate to service the proposed use. No improvements or expansions to existing facilities or services will be required.

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4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

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Area is composed of industrial businesses that also include the processing and transporting of product.

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Section 17.04 of the City of Lowell Zoning Ordinance lists specific standards pertaining to special land uses that must be met. Please respond to those standards below as it pertains to the proposed project, describing how the standards would be met by this proposal:

Security will comply with all requirements listed by LARA. The required separation distances are met.

Odors shall be controlled and eliminated as required. The establishment shall be operated and maintained as required especially regarding storage of materials and by products. The records and documentation shall be available to the City as required. All necessary permits shall be obtained.

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## MEMORANDUM

**To:** City of Lowell Planning Commission  
**Date:** January 6, 2022  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** **Trinity Cannabis Special Land Use**

Mr. Broc Crider, on behalf of Trinity Holdings Michigan LLC, has submitted an application for site plan review and special land use approval to open an adult use marihuana establishment at 2125 Bowes St. (PPN 41-20-03-385-008). The subject property is located in the I General Industrial district, where adult use marihuana establishments are permitted only with special land use approval by the Planning Commission. The purpose of this memorandum is to review the request pursuant to Chapter 17 Special Land Uses and Chapter 18 Site Plan Review of the City of Lowell Zoning Ordinance.



### Background

The subject property has an area of approximately 1.7 acres and is within the I General Industrial district. The property contains an existing 3,232 square foot building and the applicant is proposing to add a 2,880 square foot greenhouse building. The General Industrial district is adjacent to the east, west, and south of the subject property, and the C3 General Business district is adjacent to the north.

The applicant has proposed to use the site for a Class C Cultivation facility for recreational marihuana. A Class C marihuana grower license permits up to 2,000 plants. By definition of the Zoning Ordinance, "marihuana grower" is a type of adult use marihuana establishment. All adult use marihuana establishments are permitted as a special land use in the General Industrial District.

### Completeness of Submission

The applicant has submitted site plan documents for review. Section 18.04 B provides a list of information required for a detailed site plan review, unless deemed unnecessary by the zoning enforcement officer. The following items were not included:

- Legal description of the subject property.
- Dimensions and radii of existing and proposed drives, dimensions of a typical parking space, and unloading area.
- Existing zoning of abutting properties.
- Location, type, and size of all proposed landscaping.
- Size and location of existing and proposed utilities.
- Size of all surface water drainage facilities.
- Drainage calculations.
- Existing and proposed water main and sanitary sewer, natural gas, electric, telephone, or other utilities, the proposed location of connections to existing utilities, and any proposed extensions thereof.

Although the applicant is proposing to occupy an existing building and some items identified above may remain unchanged, the Planning Commission may request their inclusion on the site plan to ensure compliance with applicable standards. In general, we find the application is sufficiently complete for review.

Sections 17.04 FF (3) and (4) require additional application and site plan materials to be submitted for adult use marihuana establishments. The applicant included some of the additional site plan materials; however, the following items were not received:

- Verification and consent statements (17.04(FF)(3)(a-b))
- A lighting plan showing the lighting outside of the marihuana establishment for security purposes and compliance with section 4.24 and any other applicable city requirements. (17.04(FF)(4)(d)).
- Existing and proposed building elevations, including building materials, window calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations. (17.04(FF)(4)(e))
- The applicant's procedures for accepting delivery of marihuana at the establishment, including procedures for how and where it is received, where it is stored, and how the transaction is recorded. (17.04(FF)(4)(g))
- Items addressed in our confidential security memo dated January 6, 2022.

## **SITE PLAN REVIEW**

**Site Development Requirements.** All setback, dimensional, and lot coverage requirements meet the standards of Section 13.04 of the Ordinance. The site also meets development standards A – C. Standards D and E will be addressed in greater detail below.

**Landscaping.** The applicant did not submit a landscape plan. Existing trees are included on the site plan and no additional landscaping is proposed. Section 4.26 A requires landscaping in coordination with a site plan review. Front yard landscape requirements equate to eight canopy trees and 24 shrubs for the subject property (Section 4.26 E, 2). These are not proposed on the

site plan. The Planning Commission should address landscaping with the applicant. While it may not be necessary for the applicant to add 8 trees and 24 shrubs, the Planning Commission may require that some effort be made to improve the appearance of the property through landscaping.

It appears that no changes to the parking lot are proposed. It currently contains five spaces, according to the site plan. Any major change to the parking lot defined as a major change in Section 4.26 E(3) will also require compliance with parking lot landscape requirements.

The Planning Commission may modify landscape requirements when it finds circumstances that warrant a change in the requirements of this section, or in finding that existing landscaping or screening, or existing conditions on the site, will be preserved and would meet the intent of this section, in accordance with Section 4.26 B.

**Lighting.** Existing and proposed lighting is not indicated on the site plan. Lighting should be included on the site plan for security purposes and to show compliance with Section 4.24 of the Ordinance.

**Parking/Circulation.** The applicant is proposing five parking spaces on the site, which are already striped for use by the existing building. Parking spaces are not dimensioned on the site plan, but should meet the minimum regulations of Section 19.03 H and 19.06 B.

While a marijuana grow establishment does not have a specific parking requirement, Section 19.04 C allows uses not mentioned to be the same as the most similar listed use, as determined by the zoning enforcement officer. We find that an industrial or manufacturing establishment is the most similar listed use, equating to five required spaces. This requirement is met by the applicant, though the Planning Commission should confirm that this is consistent with anticipated parking demand.

Off-street loading is required for uses that involve the receipt or distribution of vehicles (Section 19.08). The site plan does not indicate an off-street loading space. This may be discussed with the applicant.

No ADA spaces are proposed on the site; however, 1 van accessible space is required. The site plan should be updated to comply with ADA standards.

**Signage.** Signage was not addressed in the site plan. As a condition of approval, the Planning Commission should require any signage to comply with Chapter 20 of the Zoning Ordinance.

**State License.** The applicant has submitted a letter indicating prequalification status of their application for a state license. A copy of the state license may be included as a condition of approval.

**Provisional License.** The Planning Commission shall require an operating license from the City of Lowell as a condition of special land use approval in accordance with Section 17.04 FF.

**Site Plan Review Standards.** In order to approve a special land use, the Planning Commission must find that each of the standards listed in Section 18.06 would be met. Following are the standards and our remarks on each:

- A. The uses proposed will not adversely affect the public health, safety or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

**Remarks:** The site contains an existing building, which would be used as part of the grow operation. The construction of a greenhouse would increase the capacity to grow plants on the site. The location of the existing building and proposed greenhouse appear appropriate given the site's topography, size, and adjacent uses. A six-foot fence with slats is proposed around the rear yard containing the greenhouse.

While the proposed operation appears to be arranged to protect adjacent properties, the Planning Commission may also discuss noise and traffic with the applicant. The narrative states that HVAC systems will meet noise control standards. Yet, the Planning Commission may inquire about the anticipated noise level from the greenhouse HVAC and whether the high-pressure fogging would create any noise. The extent of traffic may impact the necessity for parking, as well as a loading space on the site.

Lastly, the Planning Commission may keep in mind the intended use of the parcel across from the site. While currently zoned in the Industrial district, the property across Bowes Street was approved for a mining operation, which includes an end residential use (although not for many years). This may impact landscape, noise, and traffic considerations.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets, and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

**Remarks:** The applicant is proposing to retain an existing curb cut on the site and not proposing other changes to vehicular circulation routes on the site. A loading area is likely necessary on the site and should be addressed with the applicant.

A concrete sidewalk is provided between the existing building and the new greenhouse. This is expected to provide safe and efficient circulation for employees.

The site plan shows a 12-foot-wide swing gate to allow for limited access to the greenhouse and rear of the building. The Planning Commission may also defer to the Lowell Fire Department for any additional comments regarding emergency vehicle accessibility.

- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Lowell.

**Remarks:** The existing curb cut on Bowes Road would remain as the primary point of ingress/egress. Circulation in the site is expected to be similar as before since the applicant is proposing the same parking lot layout. Subject to any concerns from the Lowell Area Fire Department, the Planning Commission may find this standard met.

- D. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The Planning Commission requires that approved landscaping, buffers and/or greenbelts be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

**Remarks:** The site has few natural features and is previously developed. The addition of the greenhouse is not expected to significantly alter natural features on the site. However, landscape standards are not currently met. This may be addressed with the applicant and included as a condition of approval. Maintenance of landscaping, buffers, and/or greenbelts may also be addressed as a condition of approval.

- E. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Lowell will be met.

**Remarks:** The proposed development is the reuse of an existing building. However, as a grow operation, the facility will likely have a larger impact on utilities and water usage. The site plan and narrative do not indicate whether utilities will be upgraded or the anticipated water usage and impact on the well. This may be discussed with the applicant. The Planning Commission may also defer to the City Engineer and Director for additional comments. A condition of approval can stipulate continual compliance with applicable codes and ordinances.

- F. The general purposes and spirit of this ordinance and the Comprehensive Plan of the City of Lowell shall be maintained.

**Remarks:** The purpose of the Industrial district is to permit industrial and related uses that are desirable for the employment of City residents while protecting residential and other uses of the City. Provided all site plan and special land use standards are met, surrounding properties are expected to be protected.

The City of Lowell's Master Plan was adopted in 2007 and outlines a desired vision for land uses in the City. The subject property is located in the Industrial future land use category. This category is intended to support areas with existing industrial uses and corresponds to areas currently in the Industrial zoning district. Therefore, since the proposed use is a special land use in the Industrial district, it appears compatible with the City's master plan. The Planning Commission may find that this standard is met.

**Special Land Use Review Standards.** In order to approve a special land use, the Planning Commission must find that the proposed special land use meets each of the following standards in accordance with Section 17.03. Following are these standards and our remarks on each:

- A. The proposed special land use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

**Remarks:** The proposed grow operation would occur within an existing building and the applicant is proposing few, if any, changes to the exterior. Modifications to the building and parking area are expected to remain appropriate in appearance. The additional greenhouse would be surrounded by a six-foot-tall fence with slats and the greenhouse would be entirely sealed. These features are also expected to maintain an appropriate appearance.

The character of the area is industrial and commercial. While the proposed use appears compatible given the surrounding land use pattern, the Planning Commission may consider the property across Bowes Road, which was approved for a mining operation with an eventual residential end use. This may impact considerations regarding traffic, noise, and landscaping. Currently, landscape standards are not met. The location and intensity of exterior lighting are also unknown. Overall, the proposed use appears consistent with the surrounding industrial and commercial land uses; however, the Planning Commission should ensure the site contains appropriate utilities, water, lighting, and landscaping to support the proposed use while ensuring harmony with adjacent uses.

- B. The proposed special land use shall be generally consistent with the City of Lowell Master Plan;

**Remarks:** See comments under Site Plan Review, F above. The Planning Commission may find this standard met.

- C. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water, and sewage facilities;

**Remarks:** As a Class C marihuana grow operation, the applicant may be licensed to grow up to 2,000 marihuana plants on the site. This will likely increase utility and water usage compared to the previous use. Because the site is on a well, the Planning Commission may discuss water usage with the applicant and any potential impacts on adjacent properties. Electricity usage is also expected to increase due to the need for grow lights. The Planning Commission may defer to the City Engineer, DPW Director, and Lowell Light and Power for comments regarding essential utilities and water. Special land use approval may also be subject to approval from the Lowell Area Fire Department and City Police Department.

The applicant has also proposed new stormwater management measures on the property, including swales around the greenhouse and a stormwater basin near the back of the property. The Planning Commission may defer to the City Engineer and DPW Director for comments on drainage structures and may request drainage calculations for the site.

- D. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services;

**Remarks:** Due to the presence of a grow operation, power and water consumption would likely be greater than a typical retail operation. The Planning Commission may request electrical calculations for the existing building and greenhouse and may require the applicant to receive approval from and comply with any stipulations of Lowell Light and Power as a condition of approval.

- E. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**Remarks:** Due to the type of operation proposed, it is possible to have traffic, noise, smoke, fumes, and odors. However, the applicant has proposed measures to mitigate these impacts. Noise and traffic were discussed under Site Plan Review Standard A. The applicant's narrative states that HVAC systems would be designed to meet noise control standards and be maintained per manufacturer specifications. The Planning Commission may discuss the noise levels of equipment such as the HVAC and high-pressure fogger to ensure noise levels remain appropriate for the surrounding area.

Insecticide and chemical storage are anticipated as part of the grow operation. The applicant has submitted a list of chemicals and noted they would be contained within a designated storage area. Liquid waste would also be created from leftover plant nutrients ("plant leachate"). The applicant has proposed to collect this from grow tables and filter to reuse to the greatest extent, treated to meet EGLE discharge limits. Leftover nutrients and fertilizers are proposed for removal through a third party, licensed waste disposal company. The Planning Commission may include an EGLE permit for discharge as a condition of approval.

Several measures for mitigating fumes and odors have been proposed by the applicant and will be addressed later under Specific Special Land Use Standard c, below. The high-pressure fogger is intended to help mitigate odor. The Planning Commission may inquire regarding the anticipated operation and effects of this equipment.

- F. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.

**Remarks:** This standard will be addressed as a condition of approval.

**Adult Use Marihuana Establishment Special Land Use Standards.** In addition to the general standards for special land uses of section 17.03, the Planning Commission must also find that the proposed special land use would comply with specific standards established for adult use marihuana establishments as listed in Section 17.04 FF. Our remarks related to the security concerns plan pursuant to Section 17.04 FF(5)(a) are in a separate confidential memorandum. Following are the standards of 17.04 FF(5)(b-m), and our remarks on each:

- b. Separation distances. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of the land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment. The following minimum-distancing regulations shall apply to all marihuana establishments. A marihuana establishment shall not be located within:
  - i. 1,000 feet of a preschool or child care center, whether or not it is within the city of Lowell;
  - ii. 1,000 feet of a public or private K-12 school, whether or not it is within the city of Lowell;
  - iii. 500 feet of a property within the C-2, Central Business District as illustrated on the City of Lowell Zoning Map.
- iv. Exception. The requirements above do not apply if the marihuana establishment was lawfully established prior to the location of an establishment or zoning district specified in items i - iii above.

**Remarks:** The applicant submitted a map depicting a 1,000-foot radius around the subject property. There are no schools or childcare facilities within 1,000 feet of the proposed location and no new child care centers registered with the Michigan Department of Regulatory Affairs. The Planning Commission may find this standard met.

- c. Odors. The marihuana establishment shall be designed to provide sufficient odor-absorbing ventilation and exhaust systems so that any odor generated inside the establishment is not detected outside the building in which it operates, on adjacent public rights-of-way, private road easements, or within other units located within the same building as the establishment if it occupies only a portion of the building. Odors must be controlled and eliminated by the following methods:
  - i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - ii. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendations to ensure optimal performance.

- iii. Negative air pressure must be maintained inside the building.
  - 1. At a ratio of 1:4 between the air intake (CFM) and exhaust fan (CFM), or a similar ratio as approved by the Planning Commission.
  - 2. A minimum negative pressure of 0.01" water column relative to the building exterior and to adjacent spaces without product.
  - 3. A minimum exhaust rate of 0.2 CFM per square foot of floor area or greater.
- iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- v. The Planning Commission may approve an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal or superior to the air scrubbing and carbon filtration system otherwise required above.

**Remarks:** The applicant's narrative describes an odor mitigation plan. For the main building, negative air pressure is proposed in all rooms that have cannabis plants or products. Exhaust fans would be paired with carbon filters. Windows and doors were not addressed, although the narrative states that all doors would remain locked. Closure of all doors and windows, as well as the ratio of negative air pressure, is required and may be included as a condition of approval.

The proposed greenhouse would be entirely sealed and paired with a Fogco high-pressure fogging system, which would be attached to each exhaust fan. The control system would activate each fan and 24VAC pump as needed. A plant-based neutralizing solution (CannaBusters) would be injected into the fog to reduce odor.

The applicant also submitted air scrubbing calculations. This standard requires that all fans be sized for cubic feet per minute (CFM) equivalent to the volume of the building divided by three. The total building volume containing cannabis plants or products would be 14,980 cubic feet and therefore require fans sized for at least 4,993 CFM. The total proposed scrubbing capacity would be 7,851 CFM, meeting this standard. The total greenhouse volume would be 48,960 cubic feet, requiring fans sized for at least 16,320 CFM. The proposed fan/fogger scrubbing volume is 45,940 CFM, exceeding this standard.

- d. The marijuana establishment shall be operated and maintained at all times so that any by-products or waste of any kind shall be properly and lawfully kept and disposed of so as to preclude any risk of harm to the public health, safety, or welfare.

**Remarks:** Typical waste and recycling are proposed on the site. A dumpster is not shown on the site plan. Vegetative wastes are proposed to be destroyed and mixed with other materials in compliance with MRA standards. The Planning Commission may clarify the location and security of an outdoor waste receptacle.

Liquid waste would also be created as a result of excess plant nutrients. The applicant has proposed to filter and reuse plant leachate to the greatest extent possible, with leftover nutrients and fertilizer salts disposed of by a third party, licensed waste disposal company. Treatment of plant effluent must meet EGLE discharge limits and comply with Part 121, which may be included as a condition of approval.

- e. The marihuana establishment shall not be operated out of a residence or any building used wholly or partially for residential purposes.

**Remarks:** There would not be a residence associated with the marihuana establishment. The Planning Commission may find this standard met.

- f. Any portion of the structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area and be in compliance with State pesticide laws and regulations.

**Remarks:** The proposed use would involve the growing and processing of marihuana, which will likely increase energy usage and heat beyond a typical residential use. The extent to which power usage would exceed a typical residential use is unknown. The Planning Commission may request electrical calculations and may require approval from Lowell Light and Power as a condition of special land use approval.

The applicant's narrative states that all pesticides and chemical storage would be approved by LARA and the MRA, and that pesticide storage would be compliant with applicable regulations and guidelines. Some products would be stored in a dedicated storage area. Chemical management and spill response plans would be created, although they were not submitted with the application. Inspection and approval by the Fire Department may be included as a condition of special land use approval.

- g. A marihuana establishment shall not be operated from a business that also sells alcoholic beverages or tobacco products.

**Remarks:** The applicant has not proposed the sale of alcoholic beverages or tobacco products. This may be addressed as a condition of approval.

- h. No drive-through facilities shall be permitted.

**Remarks:** No drive-through facilities are present or proposed. The Planning Commission may find this standard met.

- i. The marihuana establishment shall comply at all times and in all circumstances with the MRTMA and the Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

**Remarks:** This may be addressed as a condition of approval.

- j. The Planning Commission may require additional landscape buffers or screening beyond what is required in Section 4.26 of the Zoning Ordinance.

**Remarks:** Landscape standards are not currently met. A six-foot privacy fence is expected to help screen the rear yard and greenhouse. Due to the industrial and commercial character of the general area, as well as the privacy fence, additional landscaping may not be necessary. However, front yard landscaping as currently required by the Ordinance may be beneficial to ensure an appropriate appearance along Bowes Road. The Planning Commission may discuss the presence of landscaping on the site and whether additional landscaping may be necessary to screen adjacent uses.

- k. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.

- l. **Remarks:** The applicant has not addressed record maintenance in the narrative. This may be addressed with the applicant. As a condition of approval, the Planning Commission may include the right to examine, monitor, and audit records and documentation, which shall be made available to the city upon request.

- m. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation growing or harvesting of marihuana.

**Remarks:** Additional permits may be necessary for the growing and processing operation. This standard may be included as a condition of approval.

- n. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

**Remarks:** This standard may be addressed as a condition of approval.

### Recommendation

At the January 10<sup>th</sup> public hearing, the Planning Commission should discuss the site plan, application, and carefully consider any comments from the public and the applicant. There are a few items that have not yet been addressed:

- Missing application and site plan items. Several items were not submitted as required in Section 18.04 B, 17.04 FF (3), and 17.04 FF (4). Unless deemed unnecessary by the zoning enforcement officer, these items should be submitted to accurately understand the proposed facility operations.
- Site Features. Landscaping, lighting, and parking should be further addressed to better understand the impact of the proposed operation on adjacent properties. Landscaping does not currently meet the requirements of Section 4.26 and it is unknown if parking

modifications would be major in accordance with Section 4.26 E(3)(a) and require additional landscaping. An ADA space is required and may impact the current parking arrangement and dimensions. Additionally, lighting was not included on the site plan and should be addressed for security purposes and to show compliance with Section 4.24 of the Ordinance.

- Noise. The Planning Commission should discuss noise levels of the greenhouse HVAC and high-pressure fogging system, as anticipated noise levels were not included. While the narrative states that the design would meet the City's noise control standards, the Planning Commission should consider the noise levels with consideration of adjacent properties.
- Impact on Utilities. The applicant has not addressed any increase in power or water usage on the site, however, an increase is likely in association with the grow operation. The Planning Commission may request the applicant receive approval from Lowell Light and Power regarding power usage.

If the Planning Commission finds resolution to the above items, they may approve the application. If the Planning Commission approves the special land use and site plan, we suggest the following conditions be included, along with any others deemed necessary:

1. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
2. The applicant shall comply with any requirements from the City's Department of Public Works, City Engineer, Lowell Area Fire Department, City Police Department, Lowell Light and Power, or other City officials.
3. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.
4. The applicant shall continually comply with applicable ordinances, codes, and requirements of the City of Lowell.
5. The applicant shall submit all missing site plan items of Sections 18.04 B, 17.04 FF(3), and 17.04 FF(4), as listed above, unless specifically waived by the Zoning Enforcement Officer.
6. The applicant shall receive licensing as a Class C Marihuana Grower through the State of Michigan and submit a copy of this license to the City.
7. Landscaping shall comply with Section 4.26 of the Zoning Ordinance, unless specifically modified by the Planning Commission.
8. Exterior lighting shall comply with the lighting standards of Section 4.24 and 19.03 C of the Zoning Ordinance.

9. Parking spaces shall meet the minimum regulations of 19.03 H and 19.06 B of the Zoning Ordinance. One ADA van accessible space shall be included that meets the ADA Standards.
10. An off-street loading space shall be included in the site plan, which meets the requirements of Section 19.08 of the Zoning Ordinance.
11. Signage shall comply with Chapter 20 of the Zoning Ordinance.
12. The applicant shall submit a copy of a provisional license issued by the City of Lowell pursuant to Chapter 28 of the city of Lowell code of ordinances. The facility shall not open until appropriate operating licenses have been obtained from the City of Lowell and the State of Michigan.
13. The applicant shall update the site plan to depict the location of the 12-foot-wide swing gate. Emergency vehicle accessibility shall be approved by the Lowell Area Fire Department.
14. All landscaping, buffers and/or greenbelts shall be continuously maintained to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
15. The applicant shall receive approval from and comply with any stipulations of Lowell Light and Power regarding electricity demand at the marihuana grower establishment.
16. The applicant shall receive approval from and comply with any stipulations of the City Engineer regarding water usage.
17. The applicant shall meet EGLE standards for discharge limits of plant leachate comply with Part 212. A copy of any necessary EGLE permits shall be submitted to the City.
18. The applicant shall maintain odors so any odor generated inside the establishment is not detected outside the building. Doors and windows shall remain closed, except for the minimum time necessary for ingress/egress from the building.
19. The applicant shall maintain all air scrubbing and filtration systems in working order and they must be in use at all times. Filters must be changed per manufacturers' recommendations to ensure optimal performance.
20. All waste receptacles containing marihuana products shall be secure and locked at all times. The applicant shall indicate the locations of waste receptacles on the site plan and building floor plan.
21. All rooms associated with the growing and processing of marihuana products shall be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.
22. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area, comply with State

pesticide laws and regulations, and be subject to inspection and approval by the Fire Department to ensure compliance with applicable fire codes.

23. The marihuana establishment shall comply at all times and in all circumstances with the MRTMA and applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
24. The city shall have the right to examine, monitor, and audit records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. These records and documentation shall be made available to the city upon request.
25. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation, growing, and/or harvesting of marihuana.
26. The security plan shall address the items outlined in our confidential memo dated January 6, 2022, and any other items identified by the City's law enforcement personnel.
27. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

2021				
Open Date	Close Date	Address	Name/Business	Subject
02/04/2021	02/04/2021	514 N. Monroe	Home Specialists	Remodel
03/30/2021	03/30/2021	1490 Sibley	Christian Hattis	Re-Roof
03/16/2021	07/01/2021	510 Kent	Matt Garrison	New Home
04/08/2021	04/13/2021	318 E. Main	BGR Investments	Fence
04/21/2021	04/27/2021	226 S. Jefferson	Donald Lasby	Addition
04/22/2021	04/28/2021	418 N. Jefferson	Patty Story	Fence
05/04/2021	05/04/2021	1401 W. Main	Rite Aid	Updated Signs
06/03/2021	06/03/2021	781 Foreman	Mark Batchelor	Fence
06/04/2021	06/09/2021	151 N. Center	Paula Rittersdorf	Deck
06/08/2021	06/08/2021	2420 Gee Drive	Lori Gerard	Deck
06/09/2021	06/10/2021	804 Riverside	Taylor Bonga	Fence
06/01/2021	06/11/2021	206 S. Division	Noah Trulock	Fence
06/29/2021	06/29/2021	257 Donna	Elizabeth Sparks	Re-Roof
07/08/2021	07/08/2021	2601 W. Main	Mercantile Bank	Interior Remodel
07/20/2021	07/20/2021	820 N. Jefferson	Craig Kalman	Garage
07/22/2021	07/22/2021	716 N. Monroe	Matt Collins	Fence
07/20/2021	07/28/2021	820 N. Jefferson	Victor/Karrie Scudder	Accessory Building
07/29/2021	07/29/2021	96 W. Main	Scott Brown	Inside Remodel
07/29/2021	07/29/2021	2601 W. Main	Mercantile Bank	Inside Remodel
08/09/2021	08/10/2021	1510 Carol Lynne	Jack/Nancy Rutledge	Back Entry Enclosure
08/19/2021	08/19/2021	301 Elizabeth Dean	Tyler Dykhous	Garage
09/21/2021	09/21/2021	508 W. Main	Anthony Lawrence	Remodel
10/21/2021	10/22/2021	218 E. Main	Steve Cornwell	Remodel
11/04/2021	11/12/2021	1150 Sibley	Todd West	Duplex